

ENTERED

August 12, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

BRIAN L. EDWARDS,

Petitioner,

VS.

BOBBY LUMPKIN,

Respondent.

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CIVIL ACTION NO. 7:20-CV-38

**AMENDED¹ ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND GRANTING DISMISSAL**

The Court has reviewed the magistrate judge's Report and Recommendation regarding Petitioner Brian L. Edward's action pursuant to 28 U.S.C. § 2254. After having reviewed the said Report and Recommendation and Petitioner's objections, the Court is of the opinion that the conclusions in said Report and Recommendation should be adopted by this Court. It is, therefore, **ORDERED, ADJUDGED** and **DECREED** that the conclusions in United States Magistrate Judge Nadia S. Medrano's Report and Recommendation entered as Docket Entry No. 21 are hereby adopted by this Court.

FURTHER, the Court, having adopted the magistrate judge's conclusions, is of the opinion that Respondent's Motion for Summary Judgment should be **GRANTED**, that Petitioner's Motion for Judgment as Matter of Law should be **DENIED**, that a certificate of appealability should be **DENIED**, and that Petitioner's Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254 should be **DISMISSED**.

The clerk shall send a copy of this order to Petitioner and counsel for Respondent.

¹ This Order is amended to denote consideration of Petitioner's objections, as contained within Docket Entry Nos. 23 and 25.

SO ORDERED this 12th day of August, 2021, at McAllen, Texas.

A handwritten signature in black ink, reading "Randy Crane". The signature is written in a cursive, slightly stylized font. The "R" is large and loops around the "a", and the "C" is also large and loops around the "r". The "e" is written with a simple horizontal stroke.

Randy Crane
United States District Judge